

m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, March 7, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 26 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, March 7, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 23 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, March 7, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 23, A Joint Resolution "Proposing an amendment to Section 21 of Article XVI of the Constitution of the State of Texas so as to provide that all stationery and printing, except proclamations and such printing as may be done at the School for the Deaf and Dumb or other State institution, paper and fuel used in the legislative and other departments of the government shall be furnished, and the printing and binding of laws, journals and departmental reports and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the Legislature and its committees shall be performed under contract, or by some department of the State government under contract, to be given to the lowest responsible bidder below such maximum price, and under such regulations as shall be prescribed by law. No member or officer of any department of the government shall be in any wise interested in such contract; and all

such contracts shall be subject to the approval of the Governor, Secretary of State, and Comptroller, providing for an election upon such proposed constitutional amendment, and making an appropriation therefor."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HORNSBY, Chairman.

Committee Room,

Austin, Texas, March 7, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 501, A bill to be entitled "An Act to amend Article 7005 of the 1925 Revised Civil Statutes of the State of Texas so as to include among the counties named in said Article, Garza county; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PARR, Chairman.

Committee Room,

Austin, Texas, March 7, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 692, A bill to be entitled "An Act providing a mode by which horses, mules, jacks, jennets, cattle, hogs, sheep and goats may be prevented from running at large in Limestone county."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PARR, Chairman.

FORTY-THIRD DAY.

Senate Chamber,

Austin, Texas,

Friday, March 8, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum be-

ing present, the following Senators answering to their names:

| | |
|-------------|-------------|
| Beck. | Moore. |
| Berkeley. | Parr. |
| Cousins. | Parrish. |
| Cunningham. | Patton. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Hyer. | Williamson. |
| Love. | Wirtz. |
| Martin. | Witt. |
| McFarlane. | Woodul. |
| Miller. | Woodward. |

Absent—Excused.

Neal.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

Senate Bill No. 610.

By Senator Pollard:

S. B. No. 610, A bill to be entitled "An Act providing that the State of Texas, through the Game, Fish and Oyster Commission shall have the power, right and authority to condemn and appropriate to the use of of the State, land and water in Smith county, Texas, for the purpose of creating, constructing, enlarging and maintaining fish hatcheries, building necessary equipments roads and passageways to said hatcheries; etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

S. C. R. No. 43.

Senator Witt sent up the following resolution:

Whereas, W. C. Davis received personal injuries on or about October 22, 1928, while an employee of

the State of Texas, as one of the employees of the Highway Department of this State, and,

Whereas, The State of Texas, through its Highway Department is not permitted, under the Constitution and laws of this State to pay the said W. C. Davis his damages caused by such injury, and,

Whereas, W. C. Davis desires to bring suit against the State of Texas to recover his damages, now, therefore, be it

Resolved By the Senate of Texas, the House of Representatives concurring, that permission be and the same is hereby granted to W. C. Davis to sue the State of Texas in one of the district courts of McLennan county, Texas, on its said claim, and the State of Texas, acting herein by and through its Legislature consents that it may be sued by W. C. Davis on the above mentioned claim in one of the district courts of McLennan county, Texas; be it further

Resolved That should the said W. C. Davis recover a judgment against the State of Texas in such suit, that the judgment thus obtained, if any, shall be paid by the State through its Highway Commission out of any fund heretofore or hereafter appropriated to or for the use of the Highway Department of the State of Texas; be it further

Resolved That said W. C. Davis shall give the necessary cost bond as in other civil suits, and either party shall have the right of appeal from any judgment rendered in the court in which said suit might be filed; be it further

Resolved That a certified copy of this resolution, when presented to the district court in which the suit is pending, shall be conclusive evidence that the State has granted permission to said W. C. Davis to sue it on said claim and that the State has consented to be sued by said W. C. Davis on said claim.

WITT.

The resolution was read and adopted.

S. C. R. No. 44.

Senator Wirtz sent up the following resolution:

Whereas, On or about the 26th day of October, A. D. 1926, the State of Texas, acting by and through its Highway Commission, after having properly and duly advertised for bids, opened bids on Federal Aid Project 385, Unit 11, which called for the construction of a concrete road approximately sixteen miles long in Washington county, Texas, and,

Whereas, On opening such bids it was found that Harrison Engineering & Construction Corporation was the lowest and best bidder and offered in its bid to do the work at a lower price than any other person or firm bidding on said project, and,

Whereas, Thereafter and on or about the 2nd day of December, A. D. 1926, the State of Texas, through its Highway Commission, awarded the contract for constructing said road to Harrison Engineering & Construction Corporation, and,

Whereas, The Harrison Engineering & Construction Corporation, constructed said concrete road and after its completion filed a claim against the State of Texas with the Highway Commission asserting that the State had not fully and completely paid it for all the work done in connection with this project, and

Whereas, The State of Texas, acting by and through its Highway Commission has declined to pay said claim, and does not desire to pass upon the questions involved in said claim, in many instances being questions of fact which should be determined by the Courts to the end that justice might obtain between the State of Texas and the contractor, and,

Whereas, Under the Constitution and laws of this State a suit can not be filed against the State of Texas without the Legislature consenting to such suit and giving permission that the suit be brought; now, therefore, be it

Resolved By the Senate of Texas, the House of Representatives concurring, that permission be and the same is hereby granted to Harrison Engineering & Construction Corporation to sue the State of Texas in one of the District Courts of Travis county, Texas, on its said claim, and

the State of Texas, acting herein by and through its Legislature consents that it may be sued by Harrison Engineering & Construction Corporation on the above mentioned claim in one of the District Courts of Travis county, Texas; be it further

Resolved That should the said Harrison Engineering & Construction Corporation recover a judgment against the State of Texas in such suit, that the judgment thus obtained, if any, shall be paid by the State through its Highway Commission out of any funds heretofore or hereafter appropriated to or for the use of the Highway Department of the State of Texas; be it further

Resolved That said Harrison Engineering & Construction Corporation shall give the necessary cost bond as in other civil suits, and either party shall have the right of appeal from any judgment rendered in the court in which said suit might be filed; be it further

Resolved That a certified copy of this resolution, when presented to the district court in which the suit is pending, shall be conclusive evidence that the State has granted permission to said Harrison Engineering & Construction Corporation to sue it on said claim and that the State has consented to be sued by said Harrison Engineering & Construction Corporation on said claim.

WIRTZ.

WITT.

The resolution was read and adopted.

Simple Resolution No. 92.

Senator Beck sent up the following resolution:

Whereas, The Hon. R. P. Dorrough, former Senator, is now on the floor of the Senate, be it

Resolved, That the Senate extend to him the privileges of the floor and be asked to address the Senate.

BECK,
COUSINS,
WITT.

The resolution was read and adopted.

The Chair appointed Senators Beck, Cousins, and Witt to escort Mr. Dorrough to the platform.

Former Senator Dorrough Speaks.

Senator Cousins introduced Mr. Dorrough who briefly addressed the Senate.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives, Austin, Texas, March 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Senator Moore:

S. B. No. 126, A bill to be entitled "An Act further regulating the practice of medicine within this State; requiring the payment of an annual registration fee by all persons lawfully qualified and engaged in the practice of medicine, and conferring certain powers on the Texas State Board of Medical Examiners and the Secretary-Treasurer thereof, in respect to the collection and expenditure of funds raised from the collection of such fees and providing that it shall be the duty of all persons now lawfully qualified and engaged in the practice of medicine in this State, as defined in Article 4510, Revised Statutes of 1925, or who shall hereafter be licensed for such practice by the Texas State Board of Medical Examiners, on or before the first day of January, 1930, and thereafter to annually register as such practitioners, requiring in connection with such annual registration a fee of \$2.00, such payment to be made as prescribed in the Act; and further providing that, upon receipt of the annual payment of such registration fee, the Secretary-Treasurer of the Texas State Board of Medical Examiners, after ascertaining from the records of the Board from other reliable sources that the applicant is a licensed practitioner, shall issue to the applicant an annual registration certificate, certifying that the applicant has filed such application and has paid the registration fee mentioned for the year in question, and providing that such

registration and the payment of such fee shall not entitle the holder of such certificate to practice medicine within the State of Texas unless he has been previously duly licensed as such practitioner by the Texas State Board of Medical Examiners, and prescribing the effect of such certificate as evidence in a prosecution for the unlawful practice of medicine; and further prescribing a penalty for failure to pay such annual registration fee; and further providing that a fund realized from the collection of such annual registration fee shall constitute a special fund, and defining the purposes for which said fund may be expended, and conferring certain powers and duties upon the Texas State Board of Medical Examiners; conferring certain powers and imposing certain duties upon the Secretary-Treasurer of the Texas State Board of Medical Examiners, and prescribing his salary for the performance of the duties imposed upon him by this Act; and declaring an emergency."

With amendments.

By Senator Moore:

S. B. No. 142, A bill to be entitled "An Act providing that in all counties where the county attorney performs the duties of the county attorney and district attorney, the county attorney may appoint one or more assistants who need not possess the qualifications provided for county attorneys; providing for the manner of appointment; and declaring an emergency."

By Senator Wirtz.

S. B. No. 253, A bill to be entitled "An Act amending Article 5196 of the Revised Civil Statutes of Texas, 1925, so as to define blacklisting; to define discrimination against persons seeking employment, to require statements in writing from corporations and receivers to employees voluntarily leaving their employment, and requiring further that copies of statements shall be given to employees who have lost or are otherwise deprived of the use of the originals, prescribing what facts shall be set out in all such statements, and declaring an emergency."

By Senator Farr:

S. B. No. 293, A bill to be entitled

"An Act converting the South Texas State Teachers College into the Texas College of Arts and Industries at Kingsville, Texas; providing for a continuance of the work of the College as a State Teachers College and in addition thereto providing for work at said College suitable to a College of Arts and Industries; providing for the organization, control and management thereof, the appointment of a board of directors and selection of a president, the division of its work into branches of education and training; providing for the granting of appropriate degrees and giving of special courses in certain subjects; changing the management of the South Texas State Teachers College from the board of directors of the Texas College of Arts and Industries as provided for in this Act; providing for the acquirement of additional land when necessary and for the enlargement of the work of said college; granting to said college the right of eminent domain; requiring biennial reports to the Legislature; conferring all power, duties and functions of the Board of Regents of the State Teachers Colleges in respect to said South Texas State Teachers College on the board of directors herein created, except where in conflict with this Act; repealing all laws and parts of laws in conflict with this Act; providing all necessary details to accomplish the purpose of this Act; and declaring an emergency."

By Senator Patton:

S. B. No. 343, A bill to be entitled "An Act to give and grant to J. W. Howard and his wife, Maude Howard, leave and permission to prosecute in the proper courts of Houston county, Texas, suit against the State of Texas, and R. S. Sterling, Cone Johnson and W. R. Ely, as Highway Commissioners of the State of Texas, in their official capacity only, for personal injuries to the wife, Maude Howard, and damage to their automobile; and declaring an emergency."

With amendments.

By Senator Wirtz, et al:

S. B. No. 504, A bill to be entitled "An Act amending Article 3107 of the Revised Civil Statutes of Texas, as amended at the First Called Ses-

sion of the Fortieth Legislature, Chapter 67 of the Acts of the First Called Session of the said Fortieth Legislature, so as to provide that political parties shall have power to prescribe qualifications of its own members and determine who shall be qualified to vote or otherwise participate in such political party, either as a voter or a candidate; and declaring an emergency."

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 596 by a viva voce vote.

The House has adopted the Free Conference Committee Report on S. B. No. 407 by a viva voce vote.

The House concurred in Senate Amendments to H. B. No. 118 by a viva voce vote.

The following are appointed as Conferees on the part of the House on H. B. No. 313:

Sanders, Murphy, McKean, Hines, Brice.

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the following are appointed on the part of the House in accordance with the provisions of S. C. R. No. 25:

WESTBROOK,
GILES,
McGILL.

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Senator Williamson:

S. B. No. 597, A bill to be entitled "An Act to provide for the extension of the term of oil and gas Permit No. 11752 from a period of two years to a period of five years from

its date, and declaring an emergency."

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.
Hall of the House of Representatives,
Austin, Texas, March 8, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill as reconsidered and passed finally by a vote of 111 ayes and 3 nays.

By Senator Parr:

S. B. No. 370, A bill to be entitled "An Act fixing the salary of the county commissioners of certain counties by providing for a salary of \$3,600 to be paid the county commissioners of counties having an assessed valuation of \$44,502,489.00 according to the last approved roll filed in the office of the State Comptroller, repealing laws in conflict therewith and declaring an emergency."

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 76. S. J. R. No. 7.
S. C. R. No. 33b. S. B. No. 504.
S. B. No. 414. S. B. No. 293.
S. B. No. 341.

H. J. R. No. 11.

The Chair laid before the Senate on second reading the following resolution:

By Mr. Metcalfe and others:

H. J. R. No. 11, Proposing an amendment to Article 7 of the Constitution of the State of Texas, so as to authorize the taxation of lands belonging to the University of Texas for all except State purposes, and providing for the payment of such taxes by the University of Texas to the proper authorities of the counties where said lands are located; providing for an election upon such proposed constitutional amendment, and making an appropriation therefor.

Read second time and passed to third reading.

S. J. R. No. 26.

The Chair laid before the Senate on third reading the following resolution:

S. J. R. No. 26, Proposing an amendment to Article 14 of the Constitution of Texas by adding thereto Section 4a, providing that the Legislature shall have the power to validate surveys of public lands which have been made contrary to any statute, and to ratify any patents that may have been issued thereto. Providing for an election upon such constitutional amendment, and making an appropriation therefor.

Read third time.

Senator Woodward sent up the following amendment:

Engrossed Rider No. 1.

Amend S. J. R. No. 26 by adding to Section 1 the following:

Provided however that no Legislature shall have the power to ratify or validate any title or patent obtained through fraud or in violation of any constitutional provision.

WOODWARD.

Read and adopted by the following vote:

Yeas—30.

| | |
|-------------|-------------|
| Beck. | Moore. |
| Berkeley. | Parr. |
| Cousins. | Parrish. |
| Cunningham. | Patton. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Hyer. | Williamson. |
| Love. | Wirtz. |
| Martin. | Witt. |
| McFarlane. | Woodul. |
| Miller. | Woodward. |

Absent—Excused.

Neal.

The resolution as amended finally passed by the following vote:

Yeas—27.

| | |
|-------------|-----------|
| Beck. | Greer. |
| Berkeley. | Hardin. |
| Cousins. | Holbrook. |
| Cunningham. | Hornsby. |
| Gainer. | Hyer. |

| | |
|------------|-------------|
| Love. | Russek. |
| Martin. | Stevenson. |
| McFarlane. | Thomason. |
| Miller. | Westbrook. |
| Moore. | Williamson. |
| Parr. | Wirtz. |
| Parrish. | Woodul. |
| Patton. | Woodward. |
| Pollard. | |

Nays—3.

| | |
|----------|-------|
| DeBerry. | Witt. |
| Small. | |

Absent—Excused.

Neal.

Free Conference Requested.

Senator Moore moved that the Senate refuse to concur in the House amendments to S. B. No. 126 and ask for a Free Conference. The motion prevailed.

The Chair appointed the following on the part of the Senate:

Senators Moore, Beck, Wirtz, Holbrook, and Witt.

S. J. R. No. 23.

The Chair laid before the Senate on third reading the following resolution:

S. J. R. No. 23, Proposing an amendment to Section 21 of Article XVI of the Constitution of the State of Texas so as to provide that all stationery and printing, except proclamations and such printing as may be done at the school for the deaf and dumb or other State institution, etc., shall be performed under contract, etc.

Read third time and finally passed by the following vote:

Yeas—30.

| | |
|-------------|-------------|
| Beck. | Moore. |
| Berkeley. | Parr. |
| Cousins. | Parrish. |
| Cunningham. | Patton. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Hyer. | Williamson. |
| Love. | Wirtz. |
| Martin. | Witt. |
| McFarlane. | Woodul. |
| Miller. | Woodward. |

Absent—Excused.

Neal.

Motion to Concur.

Senator Patton moved to concur in the House amendment to S. B. No. 343. The motion prevailed by the following vote:

Yeas—30.

| | |
|-------------|-------------|
| Beck. | Moore. |
| Berkeley. | Parr. |
| Cousins. | Parrish. |
| Cunningham. | Patton. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Hyer. | Williamson. |
| Love. | Wirtz. |
| Martin. | Witt. |
| McFarlane. | Woodul. |
| Miller. | Woodward. |

Absent—Excused.

Neal.

House Bill No. 466.

The Chair laid before the Senate as special order the following bill:

By Mr. Graves of Erath and Mr. Graves of Williamson:

H. B. No. 466, A bill to be entitled "An Act to amend Article 691 of the Penal Code of Texas as revised in 1925, so as to allow a search warrant to issue in certain instances upon information and belief of two credible persons."

The question recurred upon the motion to substitute the minority report for the majority report.

Senator Small moved to table the motion. The motion to table was lost by the following vote:

Yeas—13.

| | |
|-------------|-------------|
| Beck. | Patton. |
| Cunningham. | Russek. |
| Gainer. | Small. |
| Holbrook. | Williamson. |
| Martin. | Wirtz. |
| Miller. | Woodul. |
| Parr. | |

Nays—13.

| | |
|-----------|------------|
| Berkeley. | Love. |
| Cousins. | McFarlane. |
| DeBerry. | Parrish. |
| Greer. | Pollard. |
| Hyer. | |

Thomason. Witt.
Westbrook. Woodward.

Absent.

Hardin. Moore.
Hornsby.

(Pairs Recorded.)

Senator Stevenson (present), who would vote yea with Senator Neal (absent), who would vote nay.

The Chair voted nay.

Recess.

On motion of Senator Wirtz, the Senate, at 12:05 o'clock p. m., recessed until 2:00 o'clock p. m.

After Recess.

The Senate met at 2:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

Simple Resolution No. 93.

Senator Beck sent up the following resolution:

Whereas, An all wise Providence in His goodness and mercy hath seen fit to call from our midst an honored and much loved former member of this body, Dr. A. C. Oliver, of Douglasville, who departed this life on the 4th day of March, 1929, and

Whereas, As a member of the Seventeenth, Twenty-second, Twenty-fifth, and Twentieth-sixth Legislatures, and as Superintendent of the Confederate Home from 1912 to 1915, he rendered distinguished service to the people of his district and State; and

Whereas, While among us, by his innate modesty and faithful service for higher principles, he was a daily inspiration to higher and nobler things, and a constant benediction to his friends and associates; therefore, be it

Resolved, That this body extends to his family the deepest sympathy and condolence, that these resolutions be spread upon the Journal of the Senate and that the clerk be directed to transmit a copy to the family, and that when an adjournment is taken it be in honor of our distinguished former member and associate.

BECK.

Read and adopted unanimously by a rising vote.

House Bill No. 466.

The question recurred upon the motion to adopt the minority report instead of the majority report on H. B. No. 466.

Senator Small moved that further consideration of this bill be indefinitely postponed.

Senator Williamson moved the previous question. The previous question was ordered by the following vote:

Yeas—13.

| | |
|-------------|-------------|
| Cunningham. | Patton. |
| DeBerry. | Russek. |
| Gainer. | Small. |
| Holbrook. | Williamson. |
| Martin. | Wirtz. |
| Miller. | Woodul. |
| Parr. | |

Nays—11.

| | |
|------------|------------|
| Beck. | Parrish. |
| Berkeley. | Pollard. |
| Cousins. | Thomason. |
| Greer. | Westbrook. |
| Love. | Woodward. |
| McFarlane. | |

Absent.

| | |
|----------|--------|
| Hardin. | Moore. |
| Hornsby. | Witt. |
| Hyer. | |

(Pair Recorded.)

Senator Stevenson (present), who would vote yea with Senator Neal (absent), who would vote nay.

The motion to indefinitely postpone prevailed by the following vote:

Yeas—12.

| | |
|-----------|-------------|
| Beck. | Patton. |
| Gainer. | Russek. |
| Hardin. | Small. |
| Holbrook. | Williamson. |
| Martin. | Wirtz. |
| Miller. | Woodul. |

Nays—9.

| | |
|-----------|------------|
| Berkeley. | Love. |
| Cousins. | McFarlane. |
| DeBerry. | Thomason. |
| Greer. | Woodward. |
| Hornsby. | |

Absent.

| | |
|--------|------------|
| Moore. | Westbrook. |
|--------|------------|

(Pairs Recorded.)

Senator Cunningham (present), who would vote yea with Senator Pollard (absent), who would vote nay.

Senator Hyer (present.) who would vote Nay with Senator Witt (absent), who would vote Yea.

Senator Parr (present), who would vote yea with Senator Parrish (absent), who would vote nay.

Senator Stevenson (present), who would vote yea with Senator Neal (absent), who would vote nay.

Free Conference Report.

Senator Holbrook sent up the Free Conference Committee Report on S. B. No. 567.

Senator DeBerry sent up a minority report.

Senator Holbrook raised the point of order that a minority report on a Free Conference Committee report was not in order. The Chair, Lieutenant Governor Barry Miller, held that any committee could file a minority report.

The minority report was read.

Senator Miller moved to print the reports in the Journal and set the consideration of the reports for tomorrow morning after the Journals are laid on the desk.

Senator Holbrook moved to table the motion. The motion to table prevailed by the following vote:

Yeas—15.

| | |
|-----------|-------------|
| Beck. | Pollard. |
| Greer. | Small. |
| Holbrook. | Stevenson. |
| Hornsby. | Thomason. |
| Hyer. | Williamson. |
| Love. | Woodul. |
| Moore. | Woodward. |
| Parrish. | |

Nays—9.

| | |
|------------|---------|
| Berkeley. | Miller. |
| Cousins. | Patton. |
| DeBerry. | Russek. |
| Gainer. | Wirtz. |
| McFarlane. | |

Absent.

| | |
|---------|------------|
| Hardin. | Westbrook. |
| Martin. | Witt. |
| Parr. | |

(Pair Recorded.)

Senator Cunningham (present), who would vote nay with Senator Neal (absent), who would vote yea.

Senator Holbrook moved to adopt the majority report.

Senator DeBerry moved as a substitute that the minority report be substituted for the majority report.

Senator Holbrook withdrew the Free Conference Committee Report.

Simple Resolution No. 94.

Senator Hyer sent up the following resolution:

Whereas, The Hon. A. P. Barrett, a former member of this body, and a leading citizen of Fort Worth, is within the bar of the Senate, and

Whereas, He has taken an active interest and is one of the pioneers of the aircraft industry in Texas, and

Whereas, He is now en route to the City of Brownsville, Texas for the opening of the International Airport and for the furtherance of the promotion and growth of commercial aviation in Texas; now therefore, be it

Resolved That the good wishes and the felicitations of the Senate of Texas be conveyed by Senator A. P. Barrett to those gathered at Brownsville for the opening of the said International Airport, and that former Senator Barrett be invited to address the Senate at this time.

Hyer, Parrish, Wirtz, Holbrook, Pollard and Russek.

The resolution was read and adopted.

The Chair appointed Senators Hyer and Woodward and Silliman Evans to escort Mr. Barrett to the platform.

Former Senator Barrett Speaks.

The Chair introduced Silliman Evans, who introduced Mr. Barrett. Mr. Barrett briefly addressed the Senate.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 597. H. B. No. 708.
H. B. No. 247. H. B. No. 594.
H. B. No. 118. H. B. No. 381.
H. B. No. 737. H. C. R. No. 2.

House Bill No. 556.

Senator Wirtz moved to reconsider the vote by which H. B. No. 556 was finally passed. The motion prevailed.

Senator Wirtz sent up the following amendments:

Amendment No. 1.

Amend H. B. No. 556 by striking out all of Section 3 of said Bill reading: "That Subdivision 25 of Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925, be further amended by adding after said Subdivision 25 a new subdivision numbered 25a to read as follows:

"Subdivision 25a. That from and after the passage of this Act the official shorthand reporter of the Twenty-fifth Judicial District shall be paid \$300.00 per annum in addition to any salary provided by law. Said additional amount herein provided for shall be paid monthly by the commissioners' court of the counties of the district as provided by law."

WIRTZ.

Read and adopted unanimously.

Amendment No. 2.

Amend the caption of H. B. No. 556 by striking out of said caption the following:

"and inserting Subdivision 25a providing for additional compensation for the official shorthand reporter of the Twenty-fifth Judicial District."

WIRTZ.

Read and adopted unanimously.

The bill as amended finally passed by the following vote:

Yeas—30.

| | |
|-------------|------------|
| Beck. | Love. |
| Berkeley. | Martin. |
| Cousins. | McFarlane. |
| Cunningham. | Miller. |
| DeBerry. | Moore. |
| Gainer. | Parr. |
| Greer. | Parrish. |
| Hardin. | Patton. |
| Holbrook. | Pollard. |
| Hornsby. | Russek. |
| Hyer. | Small. |

| | |
|-------------|-----------|
| Stevenson. | Wirtz. |
| Thomason. | Witt. |
| Westbrook. | Woodul. |
| Williamson. | Woodward. |

Absent—Excused.

Neal.

Motion to Set Special Order.

Senator Love moved to make H. B. No. 495 special order after the pending special orders. The motion prevailed by the following vote:

Yeas—26.

| | |
|-----------|-------------|
| Beck. | Moore. |
| Berkeley. | Parr. |
| Cousins. | Parrish. |
| DeBerry. | Patton. |
| Gainer. | Pollard. |
| Greer. | Russek. |
| Hardin. | Small. |
| Holbrook. | Stevenson. |
| Hornsby. | Thomason. |
| Hyer. | Westbrook. |
| Love. | Williamson. |
| Martin. | Witt. |
| Miller. | Woodward. |

Nays—2.

Wirtz.

Woodul.

Absent.

Cunningham.

McFarlane.

Absent—Excused.

Neal.

House Bill No. 528.

The Chair laid before the Senate as special order the following bill:

By Mr. Finn and Mr. Woodall:

H. B. No. 528, A bill to be entitled "An Act amending Article 6673, Chapter 1, of Title 116, of the Revised Civil Statutes of Texas, and providing for the control of State highways of Texas, and providing that no change in the routing of highways already designated within towns and cities of more than 200 population shall be changed without the consent of the commissioners' court of the county wherein said town or city is situated."

The bill was read second time.

Recess.

On motion of Senator Love, the Senate, at 5:25 o'clock p. m., recessed until 8:00 o'clock p. m.

After Recess.

The Senate met at 8:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

House Bill No. 528.

The question recurred upon the engrossment of H. B. No. 528.

Senator Wirtz moved the previous question on the bill. The previous question was ordered.

The bill passed to third reading.

On motion of Senator Miller, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 528 was put on its third reading and final passage, by the following vote:

Yeas—23.

| | |
|-------------|------------|
| Berkeley. | Moore. |
| Cousins. | Parr. |
| Cunningham. | Parrish. |
| DeBerry. | Patton. |
| Gainer. | Pollard. |
| Hardin. | Small. |
| Holbrook. | Stevenson. |
| Hornsby. | Thomason. |
| Hyer. | Wirtz. |
| Love. | Woodul. |
| McFarlane. | Woodward. |
| Miller. | |

Nays—5.

| | |
|------------|-------------|
| Greer. | Williamson. |
| Martin. | Witt. |
| Westbrook. | |

Absent.

| | |
|-------|---------|
| Beck. | Russek. |
|-------|---------|

Absent—Excused.

Neal.

The bill was read third time.

Senator Miller moved the previous question on the final passage of the bill. The previous question was ordered.

The bill finally passed by the following vote:

Yeas—18.

| | |
|-------------|------------|
| Berkeley. | Love. |
| Cousins. | McFarlane. |
| Cunningham. | Miller. |
| Gainer. | Moore. |
| Hardin. | Parr. |
| Hornsby. | Parrish. |

| |
|------------|
| Patton. |
| Pollard. |
| Stevenson. |

| |
|-----------|
| Thomason. |
| Wirtz. |
| Woodul. |

Nays—7.

| |
|------------|
| Greer. |
| Martin. |
| Small. |
| Westbrook. |

| |
|-------------|
| Williamson. |
| Witt. |
| Woodward. |

Absent.

| |
|----------|
| Beck. |
| DeBerry. |

| |
|-------|
| Hyer. |
|-------|

Absent—Excused.

Neal.

(Pair Recorded.)

Senator Russek (present), who would vote yea with Senator Holbrook (absent), who would vote nay.

Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, March 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

By Senator Parrish:

S. B. No. 582, A bill to be entitled "An Act to authorize organized counties in this State which were unorganized at the time of taking the next preceding United States census, and which had a population of less than one hundred at the time of said United States census, etc., and declaring an emergency."

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Senator Stevenson:

S. B. No. 573, A bill to be entitled "An Act to amend Section 4, Chapter 61, Local and Special Laws of the State of Texas, passed at the first called session of the Thirty-seventh Legislature, defining the

powers of the Board of Trustees of the Taft Independent School District, and the manner in which such taxes as may be necessary for the maintenance of its schools, for the purchase of building sites, erection and repair of buildings, and for paying interest and providing a sinking fund on the bonds for which said district may be liable, shall be assessed and collected, so as to provide that the Board of Trustees of said district shall have the power to appoint an assessor and collector of taxes for said district and a board of equalization therefor."

By Mr. Murphy:

H. B. No. 723, A bill to be entitled "An Act authorizing the commissioners' court of Polk county to employ a deputy in aid of the regularly elected sheriff of said county."

By Senator Holbrook:

S. B. No. 581, A bill to be entitled "An Act authorizing certain cities and counties to acquire and maintain and operate air ports; limiting the amounts of land which may be acquired or held for such purpose; providing for the necessary funds for such purpose; providing regulations for the operation, maintenance and support of such air ports; enacting all necessary provisions incidental to the general purpose of the Act in providing for the acquisition, maintenance and operation of said air ports; and declaring an emergency."

By Mr. McDonald and Mr. Gerron:

H. B. No. 493, A bill to be entitled "An Act to prohibit the killing or taking of any doves and quail in Ellis county, Texas, for a period of five years after the passage of this Act."

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.
Hall of the House of Representatives,
Austin, Texas, March 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Senator Hornsby:

S. B. No. 254, A bill to be entitled "An Act to amend Article 3884 Revised Civil Statutes of 1925 relating to compensation of deputies and assistants of certain District and

County officers; and declaring an emergency."

With amendments.

By Senator Parr:

S. B. No. 549, A bill to be entitled "An Act creating a more efficient road system for Zapata county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners' court, etc., and declaring an emergency."

With amendments.

By Senator Westbrook:

S. B. No. 592, A bill to be entitled "An Act fixing the compensation and fees of the office of the Tax Assessor and of the Tax Collector of Fanin county, Texas, for assessing and collecting taxes for the independent road districts and amending Section 54 of Chapter 58 of the Special Laws of the Thirty-third Legislature, approved March 19, 1913, so as to place the fees of such offices for assessing and collecting said taxes at three-fifths of one cent on the one hundred (\$100.00) dollars valuation of the property in said districts."

LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.
Hall of the House of Representatives,
Austin, Texas, March 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for a Free Conference Committee on S. B. No. 126. The following members are appointed on the part of the House:

Duvall, Rogers, Reader, Graves of Williamson, and Johnson of Smith.

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Motions to Concur.

Senator Hornsby moved to concur in the House amendment to S. B. No. 254. The motion prevailed by the following vote:

Yeas—30.

Beck.

Berkeley.

| | |
|-------------|-------------|
| Cousins. | Parr. |
| Cunningham. | Parrish. |
| DeBerry. | Patton. |
| Gainer. | Pollard. |
| Greer. | Russek. |
| Hardin. | Small. |
| Holbrook. | Stevenson. |
| Hornsby. | Thomason. |
| Hyer. | Westbrook. |
| Love. | Williamson. |
| Martin. | Wirtz. |
| McFarlane. | Witt. |
| Miller. | Woodul. |
| Moore. | Woodward. |

Absent—Excused.

Neal.

Senator Holbrook moved to concur in the House amendment to S. B. No. 581. The motion prevailed by the following vote:

Yeas—30.

| | |
|-------------|-------------|
| Beck. | Moore. |
| Berkeley. | Parr. |
| Cousins. | Parrish. |
| Cunningham. | Patton. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Hyer. | Williamson. |
| Love. | Wirtz. |
| Martin. | Witt. |
| McFarlane. | Woodul. |
| Miller. | Woodward. |

Absent—Excused.

Neal.

House Bills Referred.

H. B. No. 723, referred to Committee on State Affairs.

H. B. No. 493, referred to Committee on State Affairs.

Free Conference Committee Report.

Senator Holbrook sent up the following Free Conference Committee Report:

(Majority Report.)

Committee Room.

Austin, Texas, March 7, 1929.

Hon. Barry Miller, President of the Senate, and

Hon. W. S. Barron, Speaker of the House of Representatives.

Sirs: We, a majority of your Conference Committee, appointed by your respective bodies to consider and adjust the differences between S. B. No. 342 and H. B. No. 567 as amended and substituted by the Senate, have had same under consideration and have adjusted the differences and beg to report thereon as follows:

The majority of the Conference Committee adopted H. B. No. 567 as amended and substituted aforesaid, with certain other amendments thereto as follows:

No. 1. Strike out the following part of Section 7: "Other lands and properties of the State Prison System may be sold by the Board at such times and in such manner as in the judgment of the Board the progress of centralization of the Prison System shall justify, and upon such terms and conditions as may appear most advisable. Provided,"

and begin the word "the" next following with a capital.

No. 2. Change the period at the end of said Section 7 to a comma and add the following:

"Unless the Huntsville property is found to be needed in said centralization plan."

No. 3. Change the period at the end of Section 6 to a semi-colon and add the following:

"Provided that nothing herein shall prevent said Prison Board and the other officers named, from securing options necessary in conserving said plans reported upon, at a cost not to exceed One Dollar and specifying therein the price to be paid therefor and conditioned on said plan becoming effective."

No. 4. Transpose in Section 6 the following words:

"Semi-annually as said lands are sold and other property acquired for the centralization of the Prison System, the Board of Prison Directors, together with the other officers named, shall make a report to the Governor of the property sold and purchased; a copy of said report shall be handed to the newspapers for publication; and one copy sent to each member of the Texas Legislature."

And placing same at the end of

Section 6, as amended in the next preceding amendment in this report.

No. 5. At the end of Section 4, change the period to a semi-colon and add the following words:

"Provided, however, in any exchange of any land, the State shall reserve and retain to the State of Texas an undivided 31-32 of all oil, gas and mineral rights in the lands so exchanged."

No. 6. In the second paragraph of Section 3, in the sentence beginning "the lands as they come upon the market as herein provided shall be sold to farmers," place a comma after the word "farmers" and insert the words, "to the highest bidder."

No. 7. In Section 5, strike out the first seven lines thereof, ending with the words, "State Prison Property."

Respectfully submitted,
TURNER,
GRAVES,
JOHNSON.

On the Part of the House.
HOLBROOK,
STEVENSON,
HORNSBY.

On the Part of the Senate.

The report was read.

(Minority Report.)

Senator DeBerry sent up the following minority report:

Committee Room,

Austin, Texas, March 8, 1929.

Hon. Barry Miller, President of the Senate, and

Hon. W. S. Barron, Speaker of the House.

Sirs: We, a minority of your Free Conference Committee, appointed to adjust the differences between the House and the Senate on H. B. No. 567, beg to differ with the majority of said Free Conference Committee, for the following reasons:

We believe we represent the sentiment of a majority of this legislature and the past several legislatures on this important question of centralizing the prison system. The Legislature, which is credited with the intelligence, and vested with the authority, has spoken repeatedly against the policy of allowing a

board to sell the real properties of the Penitentiary System and buy new properties at will. We represent a majority sentiment that have never nor do now, in theory or in fact, desire to shift this responsibility to anyone; on the contrary, we are willing at this time or at any future time to set out a policy of centralization and reorganization of the Prison System in no uncertain terms.

We believe that before any step or steps toward sale and relocation of the prison system should be made, that a careful survey of the present Prison property should be made to determine whether or not it is feasible and possible to work out and establish a modern Prison System on land we now own, and in the event said Survey Committee reaches the conclusion that it would not be to the best interests of the State to centralize and reorganize the Prison System on land we now own, then said survey committee, in that event, should investigate other sections of the State and make a complete report of their findings as to the advisability of selling the present prison system and relocating the same in some other section of the State and furnishing the legislature with complete information on the respective costs of these different projects.

The difference in reality between the minority and majority element of the Committee is over relocation. It is utterly obvious to those who know the history of this legislation in preceding sessions and in this session that they desire above all other things the power to relocate the System; they have never yet, nor will they now meet the issue squarely. The present Board has had ample opportunity to definitely recommend whether they favor the relocation or centralization on lands now owned by the System. The proponents of the majority report pursue to the nth degree a rule or ruin policy that is in each contest of this nature; if they do not secure authority directly or indirectly to buy and sell at will they will not accept any other procedure. The minority sentiment of this Committee first recommended and passed

through the House a bill providing for the centralization of the System on lands now owned by the System, but in an intense desire to meet the opposition half way they have receded from this position and now recommend a bill that will give them everything they ask for with respect to time, expenses and authority to make their scientific survey and only demand that when this survey is made that the approval of the Legislature must be obtained by due constitutional process rather than an unconstitutional, new fangled correspondence course of procedure.

The majority sentiment of this Committee in their rule or ruin policy of getting what they want or taking nothing at all indict the minority of this Committee and the majority of the legislature and charge that they are responsible for the now deplorable condition of the System.

We insist that those who favor relocation, which is the real issue in this controversy, meet us fairly and squarely and let this matter be settled for once and for all, for regardless of arguments against centralizing lands now owned, it is utterly obvious that a well organized and centralized System on those lands would be much better than the conditions that now exist.

There was no inclination on the part of those who favored relocation to compromise with those who see the matter as we do. The amendments they accepted did not change the original purpose of the bill. They postively refused to accept any compromise, but insisted on their original bill.

In conclusion, we call attention, not only to the danger of allowing any Board to sell properties with a surface value of approximately Ten Million Dollars, but also to dispose of a mineral value that will obviously amount to millions upon millions of dollars.

For the above reasons we offer the following compromise substitute bill, and we, a minority of your Free Conference Committee recommend that the bill recommended by the majority report do not pass and that the Compromise Substitute Bill

recommended by a minority of your Free Conference Committee, do pass in lieu thereof:

A BILL

To Be Entitled

An Act relating to the State Penitentiary System, providing that the Prison Board, the Attorney General, the Lieutenant Governor and the Speaker of the House shall formulate plans and policies for the reorganization and centralization of the Prison System; providing that the said Board shall be authorized to ask the assistance of any public official or any member of any state educational institution to aid in making a survey to carry out the purposes of this Act; providing that the said Board shall make a complete report of their findings; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The Texas Prison Board is hereby empowered and directed to formulate policies and plans for the reorganization and centralization of the prison system, and for the more efficient control and operation of said system.

The Governor, the Attorney General, the Lieutenant Governor, and the Speaker of the House of Representatives shall act in conjunction with the Texas Prison Board in the formulation of said policies and plans for the reorganization and centralization of said Prison System. The policies and plans for the reorganization of said system and a site for its centralization shall be determined upon by said Texas Prison Board, the Governor, the Attorney General, the Lieutenant Governor and the Speaker of the House of Representatives at the earliest practical date. In the formulation of such policies and plans and the selection of such site, the Prison Board, and the other officers named shall be entitled to the assistance of such members of the faculty and other employees of the A. & M. College, the University of Texas, and the Texas Technological College as may be called upon and asked for assistance. The actual expenses incurred by any employees of faculty members of either of said institutions in assisting said Board shall be paid by the

Texas Prison Board out of any funds appropriated for the support of the Prison System.

The said Board and other officers named shall first make a thorough investigation to determine whether it is practical and economical to locate, centralize and operate the prison system on some land owned by the State, it being the Legislature's desire to locate same on some part of said land if consistent with the present and future economical and practical development of the Prison System.

In event it is conclusively shown that no land owned by the State is suitable for use in centralizing said system, then said Board and officers shall make a survey of other parts of the State to obtain a suitable location for said system on other lands, but on properties reasonably contiguous.

Section 2. When the plans effecting the reorganization of the Prison System are complete the said Board and other parties named shall submit to the 42nd Legislature their full report, provided that if said plans and specifications shall have been completed within six months from the adjournment of the 41st Legislature, the Governor may call a special session of the Legislature to consider such report.

Sec. 3. The Lieutenant Governor and the Speaker of the House of Representatives shall be paid their necessary expenses while actively engaged in the duties herein enumerated.

Sec. 4. The fact that the Prison System of the State of Texas is a problem confronting the Legislature that needs immediate solution, creates an emergency and an imperative public necessity, requiring the constitutional rule that bills be read on three several days in each House, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

YOUNG,
KING.

On the part of the House.

McFARLANE,
DeBERRY.

On the part of the Senate.

Senator McFarlane moved to substitute the minority report for the majority report.

Senator Love moved the previous question on the further consideration of this motion. The previous question was ordered by the following vote:

Yeas—15.

| | |
|-----------|------------|
| Greer. | Pollard. |
| Hardin. | Small. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Love. | Witt. |
| Moore. | Woodul. |
| Parrish. | Woodward. |
| Patton. | |

Nays—7.

| | |
|------------|---------|
| Berkeley. | Miller. |
| Gainer. | Parr. |
| Martin. | Wirtz. |
| McFarlane. | |

Present—Not Voting.

| | |
|----------|-------------|
| DeBerry. | Williamson. |
|----------|-------------|

Absent

| | |
|-------|---------|
| Beck. | Russek. |
| Hyer. | |

(Pairs Recorded.)

Senator Stevenson (present), who would vote yea; with Senator Cousins (absent), who would vote nay.

Senator Cunningham (present), who would vote nay; with Senator Neal (absent), who would vote yea.

The motion to substitute the minority report for the majority report was lost by the following vote:

Yeas—7.

| | |
|------------|---------|
| Berkeley. | Miller. |
| DeBerry. | Parr. |
| Gainer. | Wirtz. |
| McFarlane. | |

Nays—13.

| | |
|-----------|-------------|
| Hardin. | Small. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Love. | Williamson. |
| Moore. | Witt. |
| Parrish. | Woodward. |
| Pollard. | |

Absent.

| | |
|--------|---------|
| Greer. | Patton. |
| Hyer. | |

(Pairs Recorded.)

Senator Cunningham (present), who would vote yea with Senator Neal (absent), who would vote nay.

Senator Martin (present), who would vote yea with Senator Beck (absent), who would vote nay.

Senator Stevenson (present), who would vote nay, with Senator Cousins (absent), who would vote yea.

Senator Woodul (present), who would vote nay with Senator Russek (absent), who would vote yea.

Senator Holbrook moved to adopt the majority report.

Senator Stevenson moved the previous question on the motion. The previous question was ordered.

Senator Moore raised the point that no quorum was present. The roll call showed the following present:

Present—22.

| | |
|-------------|-------------|
| Berkeley. | Patton. |
| Cunningham. | Pollard. |
| DeBerry. | Small. |
| Greer. | Stevenson. |
| Hardin. | Thomason. |
| Holbrook. | Westbrook. |
| Hornsby. | Williamson. |
| Love. | Wirtz. |
| McFarlane. | Witt. |
| Moore. | Woodul. |
| Parrish. | Woodward. |

Absent.

| | |
|----------|---------|
| Beck. | Martin. |
| Cousins. | Miller. |
| Gainer. | Parr. |
| Hyer. | Russek. |

Absent—Excused.

Neal.

The majority report was adopted by the following vote:

Yeas—14.

| | |
|-----------|-------------|
| Greer. | Pollard. |
| Hardin. | Small. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Love. | Williamson. |
| Moore. | Witt. |
| Parrish. | Woodward. |

Nays—5.

| | |
|------------|---------|
| Berkeley. | Patton. |
| DeBerry. | Wirtz. |
| McFarlane. | |

Absent.

| | |
|-------------|---------|
| Beck. | Martin. |
| Cunningham. | Miller. |
| Gainer. | Parr. |
| Hyer. | |

Absent—Excused.

Neal.

(Pairs Recorded.)

Senator Stevenson (present), who would vote yea with Senator Cousins (absent), who would vote nay.

Senator Woodul (present), who would vote yea with Senator Russek (absent), who would vote nay.

House Bill No. 509.

The Chair laid before the Senate on second reading the following bill: By Mr. Bond:

H. B. No. 509, A bill to be entitled "An Act authorizing county auditors in counties containing a population of 35,000 or more, and in which there may exist or which there may be created, any improvement, navigation, road or irrigation district, or any other territory district having for its purpose the expenditure of public funds for improvement purposes, or improvements of any kind, whether derived from the issuance of bonds or through any character of special assessment, to any exercised control over the finances of said district as provided in Chapter 2 of the Revised Civil Statutes of the State of Texas, 1925, amending Article 1667 of the Revised Civil Statutes, 1925."

The committee report, carrying amendments, was adopted.

The bill was read second time and passed to third reading.

The motion of Senator Greer to suspend the constitutional rule requiring bills to be read on three several days was lost, for lack of a quorum, by the following vote:

Yeas—19.

| | |
|------------|-------------|
| Berkeley. | Patton. |
| DeBerry. | Pollard. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Williamson. |
| Love. | Wirtz. |
| McFarlane. | Witt. |
| Moore. | Woodul. |
| Parrish. | Woodward. |

Absent.

| | |
|-------------|------------|
| Beck. | Martin. |
| Cousins. | Miller. |
| Cunningham. | Parr. |
| Gainer. | Russek. |
| Hyer. | Westbrook. |

Absent—Excused.

Neal.

Adjournment.

On motion of Senator DeBerry, the Senate, at 10:45 o'clock p. m., adjourned until 10:00 o'clock Saturday morning.

APPENDIX.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, March 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 286 carefully examined and compared, and find the same correctly enrolled, and have this day at 10:45 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, March 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 364 carefully examined and compared, and find the same correctly enrolled, and have this day at 10:45 a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, March 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 25 carefully examined and compared, and find the same correctly enrolled, and have this day at 10:45 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, March 7, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 41 carefully examined and compared, and find the same correctly enrolled, and have this day at 10:30 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, March 7, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 40 carefully examined and compared, and find the same correctly enrolled, and have this day at 10:30 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, March 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 293 carefully examined and compared, and find the same correctly enrolled, and have this day at 2:15 o'clock p. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, March 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 504 carefully examined and compared, and find the same correctly enrolled, and have this day at 2:15 o'clock p. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, March 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. J. R. No. 7 carefully examined and compared, and find the same correctly enrolled, and have this day at 2:15 o'clock p. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, March 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 414 carefully examined and compared, and find the same correctly enrolled, and have this day at 2:15 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, March 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 476 carefully examined and compared, and find the same correctly enrolled, and have this day at 2:15 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, March 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 33b, carefully examined and compared and find the same correctly enrolled, and have this day at 2:15 o'clock p. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, March 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 341 carefully examined and compared, and find the same correctly enrolled, and have this day at 2:15 o'clock p. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, March 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 597 carefully examined and compared, and find the same correctly enrolled, and have this day at 5 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, March 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 501 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, March 7, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 609, A bill to be entitled "An Act to create the One Hundred and Thirteenth Judicial District Court for Hutchinson County, to prescribe its jurisdiction, to limit its existence, to fix its terms, to conform all writs and process from said Court, and the other district court in said county to such changes as are made in the jurisdiction of any said courts by this bill, to empower the Judge of said One Hundred and Thirteenth Judicial District Court and the Judge of the Eighty-fourth Judicial District Court in Hutchinson county to transfer cases from their respective court to the other of said courts, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PATTON, Chairman.

Committee Room,
Austin, Texas, March 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 610, A bill to be entitled "An Act providing that the State of Texas, through the Game, Fish and Oyster Commission, shall have the power, right and authority to condemn and appropriate to the use of the State, land and water in Smith county, Texas, for the purpose of erecting, constructing, enlarging and maintaining fish hatcheries, buildings, necessary equipment, roads and passage ways to said hatcheries; providing that the method of condemnation shall be the same as now provided by law in case of railroads; providing that suit may be instituted by the Attorney General of Texas in said county where such fish hatcheries are to be situated and the cost of same be paid by the State, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass and be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, March 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 723, A bill to be entitled "An Act authorizing the commissioners' court of Polk county to employ a deputy in aid of the regular elected sheriff of said county providing for the compensation to be paid such deputy; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, March 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 736, A bill to be entitled "An Act fixing the compensation and fees of the office of the tax assessor and of the tax collector in Fannin County, Texas, for assessing and collecting taxes for the Independent Road Districts and amending Section 54 of Chapter 58 of the Special Laws of the Thirty-third Legislature, approved March 19, 1913, so as to place the fee of such offices for assessing and collecting said taxes at three-fifths of one cent on the One Hundred (\$100.00) Dollars valuation of the property in said districts; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, March 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

H. B. No. 415, A bill to be entitled "An Act to amend Article 4180 of the Revised Civil Statutes of the State of Texas, 1925, Acts 1913, Thirty-third Legislature, Chapter

151, Page 321, Paragraph 1, relating to the investment of surplus funds of ward in the hands of guardian, or loan same, designating certain investments that may be made.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that the bill as passed by the House with the engrossed rider be passed and that it be printed in the Journal but not otherwise.

RUSSEK, Chairman.

Engrossed Rider.

Amend H. B. No. 415 by adding after the word "therefor" in Line 30, Page 1, the following: Secured as provided in Article 4181, Revised Statutes, 1925.

WILLIAMS of Travis.

March 5, 1929, adopted unanimously.

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Amend H. B. No. 415 by adding thereto three sections to be numbered 2, 3 and 4 as follows:

Sec. 2. When the estate of a ward shall consist of real estate or of personal property or both, and such property is owned by said ward in common with other heirs, legatees or devisees, and it appears to be to the best interest of said ward's estate, to convey, along with some or all of the other heirs, legatees or devisees, such real or personal estate or a part thereof to a corporation chartered under the laws of the State of Texas with capital stock not exceeding the value of all such property owned in common, in exchange for stock in said corporation, on the basis of par and equal value, it shall be lawful for the guardian of said ward to subscribe for and to purchase said corporate stock in an amount not exceeding the value of the undivided interest of said ward and convey such real or personal property of said ward to such corporation in payment therefor; provided that said guardian shall first apply to the probate court having jurisdiction of said estate and obtain therefrom an order approving said sale or conveyance by said guardian on behalf of said ward; and said order approving said sale or conveyance shall not be granted unless

in the opinion of the court such sale or conveyance to such corporation for its said stock is to the best interests of said ward, considering the nature of the corporation and the actual value of its assets.

Sec. 3. All laws and parts of laws in conflict herewith, are hereby repealed.

Sec. 4. That the fact that there is at this time no law specifically authorizing the investment of a ward's estate in a corporation and the conveyance of such estate, or a part thereof to such corporation in exchange for stock and that there exists at this time estates of wards that can be so profitably invested and the public importance of the purposes herein contemplated creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read upon three several days in each House, and the said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

WILLIAMS of Travis.

March 5, 1929, adopted.

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

By Thompson.

H. B. No. 415.

A BILL

To Be Entitled

An Act to amend Article 4180 of the Revised Civil Statutes of the State of Texas, 1925, Acts 1913, 33rd Legislature, Chapter 151, page 321, Paragraph 1, relating to the investment of surplus funds of ward in the hands of guardians, or loan same, designating certain investments that may be made. Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 4180 of An Act entitled "Guardian and Ward," Chapter 151 of 33rd Legislature, page 321, Paragraph 1, Revised Civil Statutes of Texas, 1925, relating to investing and loaning money of ward be, and the same is hereby amended so as to hereafter read as follows:

"Article 4180. Investments. If at any time, the guardian of the estate shall have on hand money belonging to the ward beyond what may be necessary for the education and maintenance of such ward, he

shall invest such money in bonds of the United States, of the State of Texas, of any county or of any district or subdivision in Texas, or of any incorporated city or town in Texas, or collateral bonds of companies incorporated under the Laws of the State of Texas having a paid in capital of \$1,000,000.00 or more when such bonds are a direct obligation of the company issuing them, and are specifically secured by first mortgage real estate notes and other securities pledged with a trustee, or loan the same for the highest rate of interest that can be obtained therefor.

Committee Room,

Austin, Texas, March 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your committee on State Affairs, to whom was referred

H. B. No. 555. A bill to be entitled "An Act fixing the bag limit on doves and quail in Wood County, declaring the violation of such law to be a misdemeanor, fixing the penalty and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, be printed in Journal.

WIRTZ, Chairman.

By Baker of Wood. H. B. No. 555.

A BILL

To Be Entitled.

An Act fixing the bag limit on doves and quail in Wood County, declaring the violation of such law to be a misdemeanor, fixing the penalty; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be unlawful for any person to take, kill or possess in Wood County any of the game birds hereinafter named in greater number than the daily and weekly bag limit or number of such game birds permitted to be killed or taken, such bag limits or numbers permitted to be killed to be as follows:

Wild mourning doves and wild white wing doves, ten in any one day and not more than thirty in any one week of seven days; wild quail of all kinds and wild Mexican pheasant or chachalaca, eight in any one day and not more than twenty-four

in any one week of seven days and all kinds of varieties of these shall be considered in making up the limit of eight and twenty-four respectively.

Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not in excess of Two Hundred Dollars.

Sec. 2. The fact that the wild doves and quail are being rapidly depleted in Wood County, the further fact that a reduction in the bag limit will tend to conserve and increase the supply of said birds in said county, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read in each House on three several days be and the same is suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Educational Affairs, to whom was referred

H. B. No. 347, A bill to be entitled "An Act to validate all Ad Valorem tax levies heretofore made by Independent School Districts in the State of Texas, which levies are unenforceable because of the failure of the governing bodies in such respective Independent School Districts to make such levies by order; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal but not otherwise.

HORNSBY, Chairman.

By Palmer. H. B. No. 347.

A BILL

To Be Entitled

An Act to validate all Ad Valorem tax levies heretofore made by Independent School Districts in the State of Texas, which levies are unenforceable because of the failure of the governing bodies in such respective Independent School Districts to make such levies by order; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. All levies for Ad Valorem taxes heretofore made by the governing body of any Independent School District in this State, and which are void and unenforceable because such levies were made and adopted by resolution, motion, or other informal action, instead of having been made by order, as required by the Statutes of this State, and which levies are otherwise legally enforceable, are hereby validated, and the same are hereby declared enforceable the same as though they had been made and adopted originally by an order duly passed by the respective governing bodies of such Independent School Districts.

Sec. 2. Whereas, the present Statutes require all tax levies made by the governing bodies of Independent School Districts to be made by order, and some Independent School Districts in this State have inadvertently and erroneously failed to comply with such requirement and have levies for prior years by resolution, motion, or other informal action and are now unable to enforce the collection of any taxes so levied, thereby creating an imperative public necessity and an emergency requiring the suspension of the Constitutional Rule requiring bills to be read on three several days; now, therefore, said Constitutional Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

FORTY-FOURTH DAY.

Senate Chamber,
Austin, Texas.

March 9, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

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|-------------|------------|
| Beck. | Hardin. |
| Berkeley. | Holbrook. |
| Cousins. | Hornsby. |
| Cunningham. | Hyer. |
| DeBerry. | Love. |
| Gainer. | Martin. |
| Greer. | McFarlane. |